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FILED  
BY: K. Chambers  
DEPUTY

Matthew J. Cuffe  
District Court Judge  
512 California Ave.  
Libby, Montana

MONTANA NINETEENTH JUDICIAL DISTRICT COURT  
LINCOLN COUNTY

MINES MANAGEMENT, INC.,  
NEWHI, INC., and MONTANORE  
MINERALS CORP.,

Plaintiffs,

vs.

TRACIE FUS, LUCILLE PENNEY,  
DESIREE HANN, WALTER  
LINDSEY, MERLIN ROGERS,  
ROCKY BAKIE, LOUISE VOVES,  
FRANK WALL, ARNOLD BAKIE  
and LIBBY CREEK VENTURES,  
L.L.C.,

Defendants.

Cause No. DV-07-248

**JUDGMENT**

On September 5, 2007, Plaintiffs Mines Management Inc., Newhi Inc., and Montanore Minerals, Corp. commenced an action against Defendants Tracie Fus, Lucille Penney, Desiree Hann, Walter Lindsey, Merlin Rogers, Rocky Bakie, Louise Voves, Frank Wall, Arnold Bakie and Libby Creek Ventures. D.C. Doc. 1.

On January 14, 2011, this Court ruled that Plaintiffs and Defendants Tracie Fus, Lucille Penney, Desiree Hann, Merlin Rogers, Rocky Bakie, Louise Voves, and Libby Creek Ventures settled the dispute between them. D.C. Doc. 145.

On August 4, 2015, the Court permitted Optima, a successor in interest to Arnold

Judgment

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Bakie and Walter Lindsey, to intervene in the matter. D.C. Doc. 318.

On May 8, 2015, the Court bifurcated the claims pertaining to Frank Wall from these proceeding. D.C. Doc. 315.

Trial on the remaining claims, with the remaining parties commenced on October 9, 2018. Plaintiffs were represented by Mark L. Stermitz and Matthew A. Balldassin of Crowley Fleck, PLLP. Defendant Arnold Bakie was represented by Amy N. Guth. Optima Inc. was represented by Stephen R. Brown and Katelyn J. Hepburn of Garlington, Lohn & Robinson, PLLP.

After hearing all the evidence, the instructions of the Court, and arguments of counsel, the jury retired to consider its verdict and did return a verdict to the Court. Said verdict is attached as Exhibit A and incorporated by reference as though set forth in full.

Optima and Bakie filed bills of cost. Having considered the objections thereto the Court finds the amount of costs as set forth below. The Court declines to award costs for sustained or overruled motions as many of the motions referenced by Bakie contain mixed rulings. It is not an effective use of the Court's time or resources to consider the merits of each motion so that Bakie may collect a ten (\$10) dollar fee.

NOW THEREFORE, all claims, save the bifurcated claims again Frank Wall, having been resolved, it is hereby ordered as follows:

1. Mines Management Inc., Newhi Inc., Montanore Minerals, Corp, Tracie Fus, Lucille Penney, Desiree Hann, Merlin Rogers, Rocky Bakie, Louise Voves and Libby Creek Ventures settled their respective claims presented in this litigation. The terms of the settlement are as set forth in the handwritten document attached to D.C. Doc. 188. The Court declines the parties' invitation to issue rulings with respect to the merits of the settlement or the execution of the settlement terms. Each parties' positions with respect to the existence of the settlement are preserved for appeal. As to the execution of the settlement terms, the Court will rule when ripe for review.

2. Defendant Arnold Bakie is awarded the sum of two million five hundred seventy-five thousand dollars (\$2,575,000.00) against Mines Management Inc., Newhi Inc. and Montanore Minerals, Corp. as set forth in the Special Verdict Form attached to this document. Interest shall accrue at a rate of ten percent (10%) per annum until the judgment is fully paid.

3. Optima Inc. is awarded seven hundred and fifty thousand dollars (\$750,000) against Mines Management Inc., Newhi Inc. and Montanore Minerals, Corp. as set forth in the Special Verdict Form attached to this document. Interest shall accrue at a rate of ten percent (10%) per annum until the judgment is fully paid.


4. Arnold Bakie is awarded costs in the amount of one thousand one hundred seventeen dollars and eighty-five cents (\$1,117.85).

5. Optima is awarded costs in the amount of five hundred seventeen dollars and fifty one cents (\$ 517.51).

6. Defendants Arnold Bakie and/or Optima are directed to file a notice of entry of

judgment within ten (10) days.

Dated this 20<sup>th</sup> day of December, 2018.

  
Matthew J. Cuffe  
District Court Judge

cc: Mark L. Stermitz  
Matthew A. Baldassin  
Stephen R. Brown  
Amy N. Guth  
R.D. Watson, Esq.  
12-27-18 KC

# EXHIBIT A

COPY

CLERK OF DISTRICT COURT  
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MONTANA NINETEENTH JUDICIAL DISTRICT COURT,  
LINCOLN COUNTY

MINES MANAGEMENT, INC., NEWHI,  
INC. and MONTANORE MINERALS  
CORP.,

Plaintiffs,

v.

TRACIE FUS, LUCILLE PENNEY,  
DESIREE HANN, WALTER LINDSEY,  
MERLIN ROGERS, ROCKY BAKIE,  
LOUISE VOVES, FRANK WALL,  
ARNOLD BAKIE and LIBBY CREEK  
VENTURES, L.L.C.,

Defendants,

v.

OPTIMA INC.,

Intervenor.

Cause No. DV-07-248

**SPECIAL VERDICT FORM**

WE THE JURY, duly empaneled to try the issues in this case have answered the  
questions Submitted to us as follows:

At least eight of us agree to each answer. It is not necessary that the same eight  
agree on all of the questions.

SPECIAL VERDICT FORM  
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Exhibit A - 1

Ex. A - 5

We have answered each and every one of the questions below, unless directed otherwise.

Please answer the following questions according to the instructions given to you by the Court and included on this form.

**QUESTION NO. 1:** What amount of money do you find will compensate Defendant Arnold Bakie for Plaintiffs' trespass onto his unpatented mining claims?

ANSWER: \$ 2,575,000

**QUESTION NO. 2:** What amount of money do you find will compensate Intervenor Optima, Inc. for Plaintiffs' trespass onto its unpatented mining claims?

ANSWER: \$ 750,000

You have finished your deliberations and can notify the bailiff that you have reached a verdict. Please have the Foreperson date and sign this Special Verdict.

DATED this 17 day of October, 2018.

  
Foreperson Signature